

Legislative History for H. 4795

Actions for Bill H. 3287 (sponsored by Rep. Vincent Pedone)

On January 20, 2009, H.3287 was referred to the Joint Committee on Transportation and the Senate concurred. I researched the bill's history and collected a copy of the bill. I also found in a State House News Service article, that in May 2009, a group of 13 lawmakers called on the heads of Beacon Hill's Transportation Committee to hold a hearing on cell phone use while driving. They wrote a letter after an MBTA train crashed on May 8, 2009, caused by a texting train driver. On May 21, the Senate added a ban on texting while driving to its version of the 2010 fiscal budget. An Advance for the week of July 5, 2009 demonstrated that Senate President Murray considered the safe driving bill to be a priority.

Actions for Bill H. 4238

On July 16, 2009, Rep. Wagner reported H.4238 for the Joint Committee on Transportation. The bill was reported favorably and referred to the House Committee on Ways and Means. I have included the House Journal for July 16, 2009, describing these actions. Additionally, I found materials from the State House News Service. In its Advance for the week of Sept. 13, 2009, and October 18, 2009 the News Service reported that the legislation promised by Labor Day, which would re-write state laws to ensure motorists are fit to drive, failed to emerge from the Transportation Committee for debate.

Actions for Bill H.4466

On February 4, 2010, Representative Murphy reported H4466, the new draft of H4238 and H4460, from the Committee on Ways and Means. I collected copies of all three bills. I looked up the Bill history for H4466 and retrieved the House Journal from February 14, 2010, which documented the actions taken by the House that day. The Committee recommended that the Bill ought to pass and referred it to the House Committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton recommended that the matter be scheduled for consideration by the House and the Committee reported

that the matter be placed in the Order of the Day for the next sitting. The Rules were suspended and the committee read the bill a second time and ordered a third reading. The Rules were again suspended and the bill was read a third time. The House adopted House Amendment 1 (92-66), House Amendment 16 (91-66), House Amendment 8 (91-66), House Amendment 10 (91-66), and further amended Amendment 41. The House also adopted Amendments 4, 5, 6, 7, 19, 39, 48, 27, and 44, but rejected Amendments 2, 13, 18, 21, 20, 26, and 29. The amended bill was published as H.4475, which I have included in the materials. In addition, I found several publications from the State House News Service relating to the actions for Bill H. 4466. First, I have included the State Capitol Brief from Monday, January 25, 2010, which states that Federal officials plan a major policy announcement the next day regarding the safe driving legislation and discusses the possible use of age-based triggers. I also included the Lunch Edition State Capitol Brief from February 4, 2010, reported that the House gave initial approval and discusses the bill and the amendments that Rep. James Fagan was hoping to see included. The House Session report for Feb. 4 recounted that at 11:25 a.m., the House ordered to third reading H 4466 relative to safe driving, which emerged from the Committee on Ways and Means.

Actions for Bill H.4475

I then researched the actions for H.4475 on the Massachusetts legislature's website. On February 8, 2010, the Senate read and referred the bill to the Senate Committee on Ways and Means. On February 25, the Senate Committee recommended that the bill ought to pass, inserting the text of S.2290 in its place. I retrieved S.2290 and researched its history, discussed below, on the Massachusetts legislature's website. The Senate Rules were suspended. The bill was read a second time and amended by striking out all after the enacting clause and inserting the text of S.2290 in its place. A third reading was then ordered, an order relative to subject was adopted, and the bill was read a third time. A number of amendments were adopted while a number were also rejected. I have provided a list of the adopted and rejected amendments in the legislative history outline I created. Finally, the Senate reprinted the amended bill as S.2305, which I have also included with the other legislative materials. On February 25, 2010 the bill was reported from the Senate Committee on Ways and Means where the Senate Committee suspended rules

and substituted new text for H.4475. On March 2, the bill was read a third time and then engrossed. On March 8, 2010, the House suspended rules and non-concurred in the Senate Amendment. That day, a conference committee was appointed in the House, including Representatives Wagner, Costello, and Humason. The next day, the Senate insisted on its amendment and appointed Senators Baddour, Brewer, and Hedlund to the conference committee. On June 23, 2010, in the House, the committee recommended the bill ought to pass with an amendment, substituting a bill with the same title. That bill is H.4795. I have added a copy of this bill to the compiled legislative materials. I have also provided copies of the House and Senate Journals for the above mentioned dates, detailing the actions relating to H.4475

I also found several publications from the State House News Service Relating to the Actions for Bill H. 4475. On February 25, 2010, Kyle Cheney published an article entitled “Senate Quietly Advances Texting and Driving Measure,” which reported on the Senate’s initial approval to legislation that bans texting but does not include a House-approved ban on the use of handheld cell phones. The article said that debate on the bill and consideration of amendments is planned for the following Tuesday, under an order adopted by the Senate. The article also described the bill and the debate over issues concerning elderly drivers. Kyle Cheney also wrote “Senators Eye Big Changes to Driving Bill,” published on March 1, 2010, describing the amendments that Senators were looking to push on March 2, when the bill would be read for a third time. The News Service report of the March 2, 2010 Senate Session discussed the question on engrossing H.4475 and recaps Senator Baddour’s summary of the bill. The House Session report from March 8, 2010 states that the Senate had amended H 4475 relative to safe driving by adopting its own substitute bill and that, at 11:42 a.m., the House non-concurred with the Senate amendment. The chair appointed Reps. Wagner, Costello and Humason to a conference committee. The Senate Session report from March 9 related that the Senate insisted on its version of H 4475 relative to safe driving and that Senators Baddour, Brewer and Hedlund were named to a conference committee on the bill. The Advances: Week of April 18, 2010 talked about this day as being the 40th day the bill was locked up in a House-Senate conference committee. Reps. Joseph Wagner (D-Chicopee) Michael Costello (D-Newburyport) and Don Humason (R-Westfield) are negotiating with Sens. Steven Baddour (D-Methuen),

Stephen Brewer (D-Barre) and Robert Hedlund (R-Weymouth) on the bills (H 4475/S 2305). The Advance provides details about the conference committee: three members of each branch have been charged with ironing out differences, both branches embraced a ban on texting while driving, but the House went further to ban all handheld cell phone use, the Senate bill imposes tougher testing requirements on drivers over 75 years old, proposals the House rejected.

Actions for Bill H.4475

An Act Relative to Safe Driving was filed by Representative Wagner on June 22, 2010. The new draft of H.4475 was referred to the House Committee on Steering, Policy and Scheduling on June 23, 2010. The committee reported that the matter be placed in the Orders of the Day for the next sitting. The question would be on acceptance. The House rules were suspended and the House conference committee report accepted the bill (154-1). The Senate rules were suspended and it postponed till the next session. On June 24, 2010, the Senate conference committee report accepted the bill (37-0) and, on June 25, enacted and laid the bill before the Governor. Finally on July 2, 2010. H.4795, An Act Relative to Safe Driving was signed by the Governor into Chapter 155 of the Acts of 2010. I have included the House and Senate Journals for the above mentioned dates, detailing the actions taken in the passage of H.4795.

I have also included several State House News Service publications. The conference committee scorecard provides details about the conference committee members and the days in session. Although I could not get access to the conference committee reports, the June 22, 2010 State Capitol Brief summarizes the compromise bill. The Senate Session report from Wednesday, June 23, 2010 states that the question came on accepting H 4795, summarizes Senator Baddour's speech, and reports that Senator Baddour moved that a vote on a conference report be taken by a call of the yeas and nays, with insufficient support. The report also relates that Sen. Baddour requested and received unanimous consent to withdraw his roll call request and moved that the bill be postponed until Thursday. The motion was adopted. On June 23, 2010, the Article "Safe Driving Bill Pulled Over in the Senate" discusses how the bill cleared the House and stalled in the Senate. The Morning Edition of the State Capitol Briefs for

Thursday, June 24, 2010 reported that the Senate would revisit the safe driving bill, which was set aside on Wednesday, June 23. The Lunch Edition of the State Capitol brief from June 24 stated the Senate voted 37-0 early Thursday afternoon to pass legislation banning texting while driving and described the implementation of new procedures aimed at flagging unqualified drivers. Senator Sonia Chang-Diaz, who voted for the safe driving bill, requested unanimous consent to consider no action taken on the bill, but the bill had already been sent back to the House. The State Capitol Brief from June 24 discusses Sen. Sonia Chang-Diaz's concern about the issue of racial profiling and safe driving legislation. The June 24 Senate Session report (12pm -3:46pm) said the question came on accepting H 4795 conference committee report relative to safe driving and there was support for Senator Baddour's motion that a vote on the conference report be taken. The conference report was accepted 37-0 and the Senate enacted the safe driving bill. On June 25 State Capitol Brief talked about the data collection snag the bill hit in the Senate, where it is awaiting a final procedural vote to reach the governor's desk.